

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10 GARY WARREN HACKER,  
11 Plaintiff,  
12 v.  
13 UNUM LIFE INSURANCE COMPANY  
14 OF AMERICA,  
15 Defendant.

No. 2:20-cv-00371-TLN-DMC

**AMENDED PRETRIAL SCHEDULING ORDER**

16 After reviewing the parties' Joint Statement, the Court  
17 makes the following Pretrial Scheduling Order.

## I. SERVICE OF PROCESS

19 All named Defendants have been served and no further service  
20 is permitted without leave of court, good cause having been  
21 shown.

## II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

23 No joinder of parties or amendments to pleadings is  
24 permitted without leave of court, good cause having been shown.

### III. JURISDICTION/VENUE

26                   Jurisdiction is predicated upon 29 U.S.C. § 1132.  
27 Jurisdiction and venue are not contested.

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1           IV.     DISCOVERY

2           This case is governed by ERISA, therefore, all evidence for  
3 trial will generally be limited to the administrative record.  
4 The Court will allow a limited period of additional discovery in  
5 order to assess whether a conflict of interest affected the  
6 decision making process.  
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8           All discovery shall be completed by **February 25, 2021**. In  
9 this context, "completed" means that all discovery shall have  
10 been conducted so that all depositions have been taken and any  
11 disputes relative to discovery shall be been resolved by  
12 appropriate order if necessary and, where discovery has been  
13 ordered, the order has been obeyed. All motions to compel  
14 discovery must be noticed on the magistrate judge's calendar in  
15 accordance with the local rules of this Court.  
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17           V.     ADMINISTRATIVE RECORD

18           Defendants shall provide Plaintiff a copy of the entire  
19 administrative record within sixty (**60**) days of the date of this  
20 Pretrial Scheduling Order. The filing of the written  
21 administrative record shall be filed not later than **March 25,**  
22 **2021.**  
23

24           VI.     TRIAL

25           A bench proceeding is set for **July 19, 2021** at **9:00 a.m.**,  
26 for consideration of the parties' cross-motions for judgment  
27 under Federal Rule of Civil Procedure 52. Briefing of the  
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1 motions shall be according to the Federal Rules of Civil  
2 Procedure, this Court's Local Rules and this Order. The parties  
3 estimate a court trial length of approximately **two hours**.

4 **VII. SETTLEMENT CONFERENCE**

5 The Court may set a settlement conference if the parties so  
6 request. In the event an early settlement conference date is  
7 requested, the parties shall file said request jointly, in  
8 writing. The request must state whether the parties waive  
9 disqualification, pursuant to Local Rule 270(b), before a  
10 settlement judge can be assigned to the case. Absent the  
11 parties' affirmatively requesting that the assigned Judge or  
12 Magistrate Judge participate in the settlement conference AND  
13 waiver, pursuant to Local Rule 270(b), a settlement judge will be  
14 randomly assigned to the case.

15 **VIII. VOLUNTARY DISPUTE RESOLUTION PROGRAM**

16 Pursuant to Local Rule 271, parties may stipulate at any  
17 stage in the proceedings to refer the action, in whole or in  
18 part, to the Voluntary Dispute Resolution Program.

19 **IX. MODIFICATION OF PRETRIAL SCHEDULING ORDER**

20 The parties are reminded that pursuant to Rule 16(b) of the  
21 Federal Rules of Civil Procedure, the Pretrial Scheduling Order  
22 shall not be modified except by leave of court upon a showing of  
23 **good cause**. Agreement by the parties pursuant to stipulation  
24 alone to modify the Pretrial Scheduling Order does not constitute  
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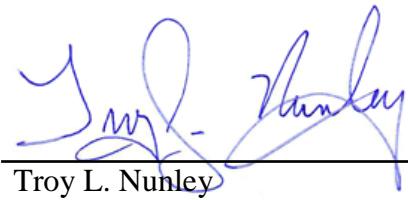
1 good cause. Except in extraordinary circumstances,  
2 unavailability of witnesses or counsel will not constitute good  
3 cause.

4 X. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

5 This Pretrial Scheduling Order will become final without  
6 further order of the Court unless objections are filed within  
7 fourteen (14) *calendar* days of service of this Order.

8 IT IS SO ORDERED.

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10 DATED: April 16, 2020



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12 Troy L. Nunley  
13 United States District Judge

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